

~~~~~

§ Group Art Unit: 2617

§ Attorney Docket: 37160

**con**

**con**

**Examiner:** Marcos L. Torres

### HOLDING OF ABANDONMENT

This is in response to the Notice of Abandonment dated April 1, 2009, copy attached, which response is being filed on April 7, 2009, and for which no fee is due.

By said Notice, Applicant was advised that he had failed to file a proper reply to the Office Action dated April 8, 2008.

In fact, as evidenced by the attached copies of the Transaction History and the Image File Wrapper pages from the USPTO Public PAIR web-site, Applicant timely filed a Notice of Appeal, along with a three-month extension of time petition on October 7, 2008. A copy of the USPTO October 7, 2008 date-stamped documents of the Notice of Appeal and Extension of Time, printed from the USPTO Public PAIR web-site is also attached. Since the response to the Office Action dated April 8, 2008, was timely filed (when the extension of time period is factored in), withdrawal of the Notice of Abandonment is deemed to be in order.

Lest the USPTO respond that a Notice of Appeal is not a proper response to the non-Final April 8, 2008 Office Action, Applicant refers to 35 U.S.C. 134, in which it is stated that "an applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences."

As evident from the attached copies of the Transaction History and the Image File Wrapper pages from the USPTO Public PAIR web-site, Applicant's claims have been thrice

rejected, namely on October 5, 2006, August 10, 2007, and April 8, 2008, making the filing of the Notice of Appeal filed October 7, 2008, a proper, and timely, response to the April 8, 2008 Office Action.

Accordingly, since Applicant had filed a timely response to the April 8, 2008 Office Action, it is requested that the Holding of Abandonment be withdrawn.

This Petition does not require a fee, but if one is required, authorization to charge Deposit Account 50-1407 therefor is hereby granted.

Concurrently with the filing of this Petition, and with the expectation that it will be granted, Applicant is filing a four month extension of time petition to extend the time to file an Appeal Brief to April 7, 2009, and is filing a Continuation Patent Application (Attorney Docket No. 46148) instead of filing the Appeal Brief.

Respectfully submitted,

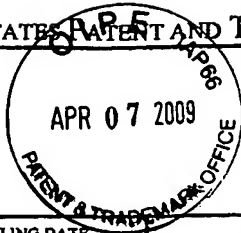


Martin D. Moynihan  
Registration No. 40,338

April 7, 2009



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/516,926      | 07/14/2005  | Lior Baussi          | 37160               | 8721             |

67801 7590 04/01/2009  
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON, VA 22215

EXAMINER

TORRES, MARCOS L

ART UNIT PAPER NUMBER

2617

MAIL DATE DELIVERY MODE

04/01/2009

PAPER

**COPY**

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



| Notice of Abandonment | Application No.  | Applicant(s)  |  |
|-----------------------|------------------|---------------|--|
|                       | 10/516,926       | BAUSSI ET AL. |  |
|                       | Examiner         | Art Unit      |  |
|                       | MARCOS L. TORRES | 2617          |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 April 2008.
  - ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:  
  
Call made to applicant to verify status of application on 3-24-09.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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## Transaction History

| Date       | Transaction Description                                                                                 |
|------------|---------------------------------------------------------------------------------------------------------|
| 04-01-2009 | Mail Abandonment for Failure to Respond to Office Action                                                |
| 03-30-2009 | Abandonment for Failure to Respond to Office Action                                                     |
| 10-07-2008 | Notice of Appeal Filed                                                                                  |
| 10-07-2008 | Request for Extension of Time - Granted                                                                 |
| 07-29-2008 | Filing Receipt - Corrected                                                                              |
| 04-08-2008 | Mail Non-Final Rejection                                                                                |
| 03-31-2008 | Non-Final Rejection                                                                                     |
| 02-27-2008 | Date Forwarded to Examiner                                                                              |
| 02-27-2008 | Date Forwarded to Examiner                                                                              |
| 02-08-2008 | Request for Continued Examination (RCE)                                                                 |
| 02-27-2008 | DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)                                                 |
| 02-08-2008 | Request for Extension of Time - Granted                                                                 |
| 02-08-2008 | Workflow - Request for RCE - Begin                                                                      |
| 10-24-2007 | Change in Power of Attorney (May Include Associate POA)                                                 |
| 10-24-2007 | Change in Power of Attorney (May Include Associate POA)                                                 |
| 10-19-2007 | Correspondence Address Change                                                                           |
| 08-10-2007 | Mail Final Rejection (PTOL - 326)                                                                       |
| 08-06-2007 | Final Rejection                                                                                         |
| 05-03-2007 | Date Forwarded to Examiner                                                                              |
| 04-04-2007 | Response after Non-Final Action                                                                         |
| 04-04-2007 | Request for Extension of Time - Granted                                                                 |
| 10-05-2006 | Mail Non-Final Rejection                                                                                |
| 10-02-2006 | Non-Final Rejection                                                                                     |
| 07-14-2005 | Information Disclosure Statement considered                                                             |
| 03-22-2006 | Case Docketed to Examiner in GAU                                                                        |
| 11-27-2005 | Cleared by OIPE CSR                                                                                     |
| 11-18-2005 | Case Docketed to Examiner in GAU                                                                        |
| 11-18-2005 | IFW TSS Processing by Tech Center Complete                                                              |
| 11-18-2005 | Case Docketed to Examiner in GAU                                                                        |
| 07-14-2005 | Reference capture on IDS                                                                                |
| 07-14-2005 | Information Disclosure Statement (IDS) Filed                                                            |
| 07-14-2005 | Information Disclosure Statement (IDS) Filed                                                            |
| 12-01-2004 | Preliminary Amendment                                                                                   |
| 07-14-2005 | 371 Completion Date                                                                                     |
| 09-07-2005 | Application Dispatched from OIPE                                                                        |
| 09-07-2005 | Notice of DO/EO Acceptance Mailed                                                                       |
| 07-14-2005 | Additional Application Filing Fees                                                                      |
| 07-14-2005 | Information Disclosure Statements                                                                       |
| 07-14-2005 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant |
| 07-20-2005 | Correspondence Address Change                                                                           |
| 05-16-2005 | Notice of DO/EO Missing Requirements Mailed                                                             |
| 05-05-2005 | Mail-Petition to Revive Application - Granted                                                           |
| 12-01-2004 | Petition Entered                                                                                        |
| 12-01-2004 | Initial Exam Team nn                                                                                    |

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- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

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10/516,928

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## Available Documents

| Mail Room Date | Document Code | Document Description                                                                  | Page Count | Select All               | Start Download | Clear All |
|----------------|---------------|---------------------------------------------------------------------------------------|------------|--------------------------|----------------|-----------|
| 04-01-2009     | ABN           | Abandonment                                                                           | 2          | <input type="checkbox"/> |                |           |
| 10-07-2008     | N/AP          | Notice of Appeal Filed                                                                | 1          | <input type="checkbox"/> |                |           |
| 10-07-2008     | XT/           | Extension of Time                                                                     | 1          | <input type="checkbox"/> |                |           |
| 07-29-2008     | APP.FILE.REC  | Filing Receipt                                                                        | 3          | <input type="checkbox"/> |                |           |
| 05-02-2008     | CFILE         | Request for Corrected Filing Receipt                                                  | 19         | <input type="checkbox"/> |                |           |
| 04-08-2008     | CTNF          | Non-Final Rejection                                                                   | 22         | <input type="checkbox"/> |                |           |
| 04-08-2008     | FWCLM         | Index of Claims                                                                       | 2          | <input type="checkbox"/> |                |           |
| 04-08-2008     | SRFW          | Search information including classification, databases and other search related notes | 1          | <input type="checkbox"/> |                |           |
| 02-08-2008     | RCEX          | Request for Continued Examination (RCE)                                               | 1          | <input type="checkbox"/> |                |           |
| 02-08-2008     | AMSB          | Amendment Submitted/Entered with Filing of CPA/RCE                                    | 1          | <input type="checkbox"/> |                |           |
| 02-08-2008     | CLM           | Claims                                                                                | 10         | <input type="checkbox"/> |                |           |
| 02-08-2008     | REM           | Applicant Arguments/Remarks Made in an Amendment                                      | 8          | <input type="checkbox"/> |                |           |
| 02-08-2008     | XT/           | Extension of Time                                                                     | 1          | <input type="checkbox"/> |                |           |
| 02-08-2008     | WFEE          | Fee Worksheet (PTO-06)                                                                | 1          | <input type="checkbox"/> |                |           |
| 10-24-2007     | PEFN          | Pre-Exam Formalities Notice                                                           | 1          | <input type="checkbox"/> |                |           |
| 10-05-2007     | PA..          | Power of Attorney                                                                     | 1          | <input type="checkbox"/> |                |           |
| 08-10-2007     | CTFR          | Final Rejection                                                                       | 17         | <input type="checkbox"/> |                |           |
| 08-10-2007     | FWCLM         | Index of Claims                                                                       | 1          | <input type="checkbox"/> |                |           |
| 08-10-2007     | SRFW          | Search information including classification, databases and other search related notes | 1          | <input type="checkbox"/> |                |           |
| 07-30-2007     | SRNT          | Examiner's search strategy and results                                                | 1          | <input type="checkbox"/> |                |           |
| 04-04-2007     | A..           | Amendment/Req. Reconsideration After Non-Final Reject                                 | 2          | <input type="checkbox"/> |                |           |
| 04-04-2007     | CLM           | Claims                                                                                | 8          | <input type="checkbox"/> |                |           |
| 04-04-2007     | REM           | Applicant Arguments/Remarks Made in an Amendment                                      | 11         | <input type="checkbox"/> |                |           |
| 04-04-2007     | XT/           | Extension of Time                                                                     | 1          | <input type="checkbox"/> |                |           |
| 04-04-2007     | WFEE          | Fee Worksheet (PTO-06)                                                                | 1          | <input type="checkbox"/> |                |           |
| 10-05-2008     | CTNF          | Non-Final Rejection                                                                   | 17         | <input type="checkbox"/> |                |           |
| 10-05-2008     | 1449          | List of References cited by applicant and considered by examiner                      | 2          | <input type="checkbox"/> |                |           |
| 10-05-2008     | 882           | List of references cited by examiner                                                  | 1          | <input type="checkbox"/> |                |           |
|                |               | Bibliographic Data                                                                    |            |                          |                |           |

|            |          |                                                                                                                                          |    |                          |
|------------|----------|------------------------------------------------------------------------------------------------------------------------------------------|----|--------------------------|
| 10-05-2008 | BIB      | Sheet                                                                                                                                    | 1  | <input type="checkbox"/> |
| 10-05-2008 | PWCLM    | Index of Claims                                                                                                                          | 1  | <input type="checkbox"/> |
| 10-05-2008 | SRFW     | Search Information<br>including<br>classification,<br>databases and other<br>search related notes                                        | 1  | <input type="checkbox"/> |
| 09-28-2008 | SRNT     | Examiner's search<br>strategy and results                                                                                                | 4  | <input type="checkbox"/> |
| 11-18-2005 | 138A     | Authorization for<br>Extension of Time all<br>replies                                                                                    | 4  | <input type="checkbox"/> |
| 09-07-2005 | M903     | Notice of DO/EQ<br>Acceptance Mailed<br>Notice of Change of<br>Address placed in<br>File Wrapper due to<br>EBC Customer<br>Number update | 2  | <input type="checkbox"/> |
| 07-21-2005 | EBCCAD   | Bibliographic Data<br>Sheet                                                                                                              | 1  | <input type="checkbox"/> |
| 07-14-2005 | BIB      | Miscellaneous<br>Incoming Letter                                                                                                         | 5  | <input type="checkbox"/> |
| 07-14-2005 | OATH     | Oath or Declaration<br>filed                                                                                                             | 3  | <input type="checkbox"/> |
| 07-14-2005 | IDS      | Information<br>Disclosure<br>Statement (IDS)<br>Filed (58/08)                                                                            | 4  | <input type="checkbox"/> |
| 07-14-2005 | FOR      | Foreign Reference                                                                                                                        | 4  | <input type="checkbox"/> |
| 07-14-2005 | FOR      | Foreign Reference                                                                                                                        | 18 | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 3  | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 16 | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 1  | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 1  | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 1  | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 1  | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 9  | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 2  | <input type="checkbox"/> |
| 07-14-2005 | NPL      | NPL Documents                                                                                                                            | 2  | <input type="checkbox"/> |
| 07-14-2005 | ARTIFACT | Artifact sheet<br>indicating an item<br>has been filed which<br>cannot be scanned                                                        | 1  | <input type="checkbox"/> |
| 05-18-2005 | M905     | Notice of DO/EQ<br>Missing                                                                                                               | 2  | <input type="checkbox"/> |
| 05-05-2005 | PETDEC   | Requirements Mailed<br>Petition Decision                                                                                                 | 2  | <input type="checkbox"/> |
| 12-01-2004 | TRNA     | Transmittal of New<br>Application                                                                                                        | 4  | <input type="checkbox"/> |
| 12-01-2004 | SPEC     | Specification                                                                                                                            | 22 | <input type="checkbox"/> |
| 12-01-2004 | CLM      | Claims                                                                                                                                   | 7  | <input type="checkbox"/> |
| 12-01-2004 | ABST     | Abstract                                                                                                                                 | 1  | <input type="checkbox"/> |
| 12-01-2004 | DRW      | Drawings only black<br>and white line<br>drawings                                                                                        | 3  | <input type="checkbox"/> |
| 12-01-2004 | OATH     | Oath or Declaration<br>filed                                                                                                             | 3  | <input type="checkbox"/> |
| 12-01-2004 | WCLM     | Claims Worksheet<br>(PTO-2022)                                                                                                           | 1  | <input type="checkbox"/> |
| 12-01-2004 | WFEE     | Fee Worksheet<br>(PTO-06)                                                                                                                | 1  | <input type="checkbox"/> |
| 12-01-2004 | WFEE     | Fee Worksheet<br>(PTO-06)                                                                                                                | 1  | <input type="checkbox"/> |
| 12-01-2004 | A.PE     | Preliminary<br>Amendment                                                                                                                 | 1  | <input type="checkbox"/> |
| 12-01-2004 | SPEC     | Specification                                                                                                                            | 1  | <input type="checkbox"/> |
| 12-01-2004 | CLM      | Claims                                                                                                                                   | 7  | <input type="checkbox"/> |
| 12-01-2004 | REM      | Applicant<br>Arguments/Remarks<br>Made in an<br>Amendment                                                                                | 1  | <input type="checkbox"/> |
| 12-01-2004 | PET.     | Petition Entered                                                                                                                         | 2  | <input type="checkbox"/> |
| 12-01-2004 | NPL      | NPL Documents                                                                                                                            | 19 | <input type="checkbox"/> |
| 12-01-2004 | IMIS     | Miscellaneous<br>Internal Document                                                                                                       | 1  | <input type="checkbox"/> |
| 12-01-2004 | 371P     | Documents<br>submitted with 371                                                                                                          | 38 | <input type="checkbox"/> |



|            |      |                                                 |    |                          |
|------------|------|-------------------------------------------------|----|--------------------------|
|            |      | Applications                                    |    | <input type="checkbox"/> |
| 12-01-2004 | 371P | Documents<br>submitted with 371<br>Applications | 10 | <input type="checkbox"/> |

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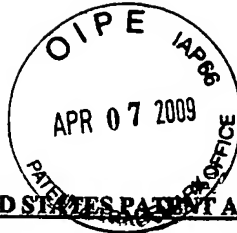
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**In re Application of:**

Lior BAUSSI et al

**Serial No.: 10/516,926**

**Filed: July 14, 2005**

For: **DIRECTION FINDING CELL  
PHONES**

**Group Art Unit: 2617**

**Attorney Docket: 37160**

Examiner: Marcos L. Torres

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

## NOTICE OF APPEAL

Applicant hereby appeals the Final Rejection of the Examiner dated April 8, 2008, rejecting claims 1-11, 13-17, 20-23, 25-42, 48-60 and 62.

**An extension of time of three (3) months is also attached herewith.**

**This application enjoys Small Entity Status.**

Please charge the Notice of Appeal fee of \$270 to Deposit Account  
50-1407.

Respectfully submitted,

Martin P. Moynihan

**Martin D. Moynihan**  
**Registration No. 40,338**

**October 7, 2008**

10/08/2008 AWDNAF1 08060102 501407 16516926  
02 FC:2401 270.00 DA



~~AF~~  $\phi$   
IEW

**THE UNIVERSITY OF CHICAGO**

Attorney  
Docket: 37160

## 01 FC:2253 555,88 DA